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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/808,303

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Yoshihito Ishibashi

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09/22/2009

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/808,303	Applicant(s) ISHIBASHI, YOSHIHITO
Examiner MARISSA THEIN	Art Unit 3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED **21 August 2009** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/F. Ryan Zeender/
 Supervisory Patent Examiner, Art Unit 3627

Continuation of 11, does NOT place the application in condition for allowance because: The arguments are not persuasive. For example, Applicant remarks that "Ginter fails to disclose or even fairly suggest "a second settlement log being issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another o the plurality of user devices every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices".

The Examiner does not agree. Ginter discloses information may pass through a single chain of handling such as encrypted packets of audit information (col. 296, lines 19-26). The audit information contains administrative objects, which comprises events describing financial transactions between the creator of an administrative object, the recipient, such as a purchase order or an invoice (col. 142, lines 10-15; col. 142, lines 35-40). The administrative objects can be sent from end users to distributors, and/or clearinghouses and/or client administrators, who might themselves further transmit to other participants in the object's of chain handling (col. 142, lines 35-40). Furthermore, Ginter discloses user A which establishes an account with distributor A. User A receives content usage control information from distributor A to access the creator's A content. Creator A establishes a meter method that will generate an audit record if a user accesses creator's A content. Distributor A uses such a meter method in a control method associated with opening the creator's content that invokes one or more billing and and/or budget methods created, modified or referenced in one or more permissions records and/or parameterized by distributor A to reflect a change for monthly usage. Ginter further discloses that if distributor A has specified usage and/or redistribution control information within the boundaries permitted by the creator, a new set of control information may be associated with the creator's content when control information associated with distributor A are delivered to users and/or user/distributors. (Col. 329, lines 11-45) Furthermore, Ginter discloses VDE which can protect a collection of rights belonging to various parties having in rights in, or to, electronic information. This information may be at one location or dispersed across (and/or moving between multiple locations). The information may pass through chain of distributors and a chain of users. Usage information may also be reported through one or more chains of parties. (Col. 6, lines 15-21) VDE enables parties that have rights in electronic information to ensure that the moving, accessing, modifying or otherwise using of information can be securely controlled by rules regarding how, when, where, and by whom such activities can be performed (col. 6, lines 21-28).

Such may pass through a single chain of handling such as encrypted packets of audit information; audit information contains administrative objects, which comprises events describing financial transactions between the creator of an administrative object, the recipient, such as a purchase order or an invoice; administrative objects can be sent from end users to distributors, and/or clearinghouses and/or client administrators, who might themselves further transmit to other participants in the object's of chain handling; user A which establishes an account with distributor A (first user); user A receives content usage control information from distributor A to access the creator's A content; and information may pass through chain of distributors and a chain of users, wherein usage information may be reported through one or more chains of parties are considered "a second settlement log being issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another o the plurality of user devices every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices".